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OFFICE OF PETITIONS

In re Application of	:	
CONNER	:	
Application No. 09/917,392	:	ON PETITION
Filed: July 27, 2001	:	
Attorney Docket No. H0001551	:	

This is a decision on a renewed petition under 37 CFR 1.137(a), filed April 20, 2007 and re-filed May 9, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(a) in that petitioner has supplied (1) a required reply in the form of a Request for Continued Examination (RCE) and a submission in the form of the amendment filed December 3, 2004; (2) the petition fee of \$500.00; and (3) a showing to the satisfaction of the Commissioner that the entire delay was unavoidable.

Please note that the August 11, 2006 amendment was untimely filed beyond the maximum statutory period for response to the October 18, 2004 final office action and has not been entered into the record.


The power of attorney submitted with the renewed petition is not acceptable. In order to request or take action in a patent matter, the assignee must establish its ownership pursuant to 37 CFR 3.71. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number). See PTO/SB/96. Neither the power of attorney submitted nor the record includes one of the above two options.

The filing of the RCE on February 18, 2005 required a one-month extension of time fee (\$120). As the RCE authorizes, this fee will be charged to Deposit Account No. 50-1050. Additionally per petitioner's request for refund on April 20, 2007, the difference (\$900) between the extension

of time fee (\$1020) charged August 11, 2006 and the one month extension of time fee (\$120) required for the RCE will be credited to petitioner's deposit account.

The application file is being forwarded to the Technology Center Art Unit 2628 for further processing.

Telephone inquiries concerning this decision should be directed to Denise Pothier at (571) 272-4787.


Frances Hicks
Lead Paralegal
Office of Petitions